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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			STORK, KYLE R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,906

Applicant(s)

UNDERWOOD ET AL.

Examiner

Kyle R. Stork

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This final office action is in response to the remarks filed 30 June 2006.
2. Claims 1-119 are pending. Claims 1, 55-58, and 112-119 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7, 10, 12, 17, 21, 25, 29, 33, 51-52, 57-61, 64, 67, 69, 74, 78, 82, 86, 90, 108, 111, and 115-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera et al. (US 6567800, filed 1 October 1998, hereafter Barrera), and further in view of Burner et al. (US 6282548, filed 21 June 997, hereafter Burner).

In regard to independent claim 1, Barrera discloses a method of creating a web site (Barrera Col 6 Lines 8 i.e. retrieving website content through a network), receiving data entry including selection of an type (Barrera Col 6 Lines 11-13 i.e. receiving a content search; column 4, line 66- column 7, line 16: Here, the user selects a category); determining one or more characteristics for each of one or more web site features in response to the data entry (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information); creating a framework of the web site based upon the one or more determined characteristics for each of the one or more web

site features (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant); retrieving web site data in accordance with the created framework of the web site (Barrera Col 7 Lines 24-26 i.e. retrieved content); creating one or more pages of the web site based upon the framework of the web site and the retrieved web site data; and presenting the created web site. (Barrera Col 6 Lines 45-54 web pages and sending the results of the web page content search request form to the user).

Barrera fails to specifically disclose industry types as a classified type. However, Burner discloses classified type (column 11, line 54- column 12, line 14). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Burner with Barrera, since it would have allowed a user to obtain data based upon user-specified preferences (Burner: column 12, lines 11-15).

In regard to dependent claim 2, Barrera discloses storing the framework of the web site. (Barrera Col 6 Lines 59-60 i.e. content request is stored)

In regard to dependent claim 3, Barrera discloses wherein the retrieving step includes retrieving particular web site data based upon characteristics of a device for accessing the web site. (Barrera Col 7 Lines 24-26 i.e. retrieved content)

In regard to dependent claim 4, Barrera discloses wherein the device is a general-purpose computer. (Barrera Col 3 Line 52 i.e. computer)

In regard to dependent claim 7, Barrera discloses wherein one of the web site features is web site content. (Barrera Col 8 Line 4-15 i.e. category content)

In regard to dependent claim 10, Barrera discloses wherein one of the web site features is website component applications. (Barrera Col 4 Line 4-6 i.e. software application)

In regard to dependent claim 12, Barrera discloses wherein one of the web site features is web site theme. (Barrera Col 1 Lines 57-66 i.e. content of the website)

In regard to dependent claim 17, Barrera discloses wherein the framework of the web site is created from one or more predetermined subsets of characteristic frameworks corresponding to at least one of the one or more determined characteristics. (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information and Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant)

In regard to dependent claim 21, Barrera discloses wherein the framework of the web site is created from one or more predetermined subsets of characteristic frameworks corresponding to at least a portion of the data entry. (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant and Col 6 Lines 11-13 i.e. receiving a content search)

In regard to dependent claim 25, Barrera discloses wherein the web site data is retrieved from a predetermined web site data subset corresponding to at least a portion of the framework of the web site. (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework

information and Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant)

In regard to dependent claim 29, Barrera discloses wherein the web site data is retrieved from a predetermined web site data subset corresponding to at least one of the one or more determined characteristics. (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information and Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant)

In regard to dependent claim 33, Barrera discloses storing the one or more determined characteristics. (Barrera Col 6 Lines 59-60 i.e. content request is stored and Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant)

In regard to dependent claim 51, Barrera discloses storing the data entry. (Barrera Col 6 Lines 59-60 i.e. content request is stored and Col 6 Lines 11-13 i.e. receiving content)

In regard to dependent claim 52, Barrera discloses wherein the data entry includes one or more user preferences. (Barrera Abstract Lines 4-8 i.e. user selects)

In regard to independent claim 57, Barrera discloses A method of creating a web site, comprising the steps of: receiving data entry (Barrera Col 6 Lines 11-13 i.e. receiving a content search); determining one or more characteristics for each of one or more web site features in response to the data entry (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information); creating a framework of the web site based upon the one or more determined characteristics for

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each of the one or more web site features(Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant); retrieving web site data, including particular web site data in accordance with the created framework of the web site(Barrera Col 1 Lines 36-38 i.e. finding particular information and Barrera Col 7 Lines 24-26 i.e. retrieved content); creating one or more pages of the web site based upon the framework of the web site and the retrieved web site data and particular web site data; and presenting the created web site, wherein the particular web site data is retrieved based upon characteristics of a device for accessing the web site. (Barrera Col 6 Lines 45-54 web pages and sending the results of the web page content search request form to the user).

In regard to independent claims 58 and 115, claims 58 and 115 in addition to the following reflect the same subject matter claimed in claim 1 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer or means).

In regard to dependent claim 59, Barrera discloses a storage device for storing the framework of the web site. (Barrera Col 3 Line 58 Col 6 Lines 59-60 i.e. memory and content request in stored)

In regard to dependent claim 60, claim 60 reflects the same subject matter claimed in claim 3 and is rejected along the same rationale

In regard to dependent claim 61, claim 61 reflects the same subject matter claimed in claim 4 and is rejected along the same rationale

In regard to dependent claim 64, claim 64 reflects the same subject matter claimed in claim 7 and is rejected along the same rationale

In regard to dependent claim 67, claim 67 reflects the same subject matter claimed in claim 10 and is rejected along the same rationale

In regard to dependent claim 69, claim 69 reflects the same subject matter claimed in claim 12 and is rejected along the same rationale

In regard to dependent claim 74, claim 74 reflects the same subject matter claimed in claim 17 and is rejected along the same rationale

In regard to dependent claim 78, claim 78 reflects the same subject matter claimed in claim 21 and is rejected along the same rationale

In regard to dependent claim 82, claim 82 reflects the same subject matter claimed in claim 25 and is rejected along the same rationale

In regard to dependent claim 86, claim 86 reflects the same subject matter claimed in claim 29 and is rejected along the same rationale

In regard to dependent claim 90, claim 90 reflects the same subject matter claimed in claim 33 and is rejected along the same rationale

In regard to dependent claim 108, claim 108 reflects the same subject matter claimed in claim 52 and is rejected along the same rationale

In regard to dependent claim 111, claim 111 reflects the same subject matter claimed in claim 59 and is rejected along the same rationale

In regard to independent claim 116, claim 116 in addition to the following reflects the same subject matter claimed in claim 1 and is rejected along the same rationale

Computer program instructions (Barrera Col 8 Lines 23-24).

In regard to independent claim 117, claim 117 in addition to the following reflects the same subject matter claimed in claim 1 and is rejected along the same rationale

Stored framework (Barrera Col 6 Lines 59-60 i.e. content request is stored)

In regard to independent claim 118, claim 118 in addition to the following reflects the same subject matter claimed in claim 1 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

Stored framework (Barrera Col 6 Lines 59-60 i.e. content request is stored)

In regard to independent claim 119, the applicant discloses the limitations substantially similar to those in claim 1. Barrera further discloses correlating data and selection based upon relevancy (column 4, line 65- column 5, line 16). Claim 119 is similarly rejected.

5. Claims 5 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera and Burner, in view of Wecker et al. (herein after Wecker) U.S. Patent No. 6,311,058 B1 filed 6/30/1998

In regard to dependent claim 5, Barrera and Burner do not specifically disclose of a wireless device. However, Wecker discloses of a wireless carrier which can receive web content from a web content provider (Wecker Col 3 Lines 20-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wecker to Barrera, providing Barrera the benefit of having a wireless carrier which can receive web content from a web content provider via dial-up or direct internet

connection so the user can be mobile while surfing the internet and not be contained to one locations as taught by Wecker Col 3 Lines 20-47.

In regard to dependent claim 62, claim 62 reflects the same subject matter claimed in claim 5 and is rejected along the same rationale

6. Claims 6, 8-9, 14-16, 18-20, 22-24, 26-28, 30-32, 63, 65-66, 71-73, 75-77, 79-81, 83-85, 87-89, and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera and Burner, and further in view of Wilz, Sr. et al. (herein after Wilz) U.S. Patent No. 6,394,354 B1 filed 6/11/1999

In regard to dependent claim 6, Barrera and Burner do not specifically disclose of an input-output device. However, Wilz discloses an Input output port of a client computer (Wilz Col 16 Lines 30-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having an I/O device to store scanned URL information as taught by Wilz Col 16 Lines 28-35.

In regard to dependent claim 8, Barrera and Burner do not specifically disclose where of one of the website features is a website layout. However, Wilz discloses of a display layout (Wilz Col 22 Lines 23-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having a display layout or website layout which is important for arranging information as taught by Wilz Col 6-33.

In regard to dependent claim 9, Barrera and Burner do not specifically disclose of where of one of the website features is site navigation. However, Wilz discloses of an

Internet navigation (Wilz Col 8 Lines 7-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having an Internet navigation device for automatically access websites list in a website guide as taught by Wilz Col 8 Lines 7-14.

In regard to dependent claim 14, Barrera and Burner do not specifically disclose of where of one of the website features is website graphics. However, Wilz discloses of graphics expressed in HTML (Wilz Col 10 Lines 35-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having graphics for the application software programs as taught by Wilz Col 10 Lines 33-40.

In regard to dependent claim 15, Barrera and Burner do not specifically disclose of where of one of the website features is an image set. However, Wilz discloses of an image (Wilz Col 30 Lines 48-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having images to enhance the package delivery as taught by Wilz Col 30 Lines 50-51.

In regard to dependent claim 16, Barrera and Burner do not specifically disclose where one of the website features is a platform for accessing the website. However, Wilz discloses of a computer client platform (Wilz Col 16 Lines 54-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having a computer client platform

to which would connect the scanning device to the data input port as taught by Wilz Col 16 Line 50-55.

In regard to dependent claim 18, Barrera and Burner do not specifically disclose of creating the website pseudo-randomly. However, Wilz discloses of a quasi-random information display (Wilz Col 22 Lines 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having quasi-random display for the arranging rows and columns as taught by Wilz Col 22 Lines 29-33.

In regard to dependent claim 19, Barrera and Burner do not specifically disclose of creating the website in a non-determined manner. However, Wilz discloses of a quasi-random information display (Wilz Col 22 Lines 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having quasi-random and non-determined so the printed information display blocks will not be arranged in a single column down each printed sheet, or the printed information will not be arranged in different columns and row as taught by Wilz Col 22 Lines 29-33.

In regard to dependent claim 20, Barrera and Burner do not specifically disclose of creating the website randomly. However, Wilz discloses of a random information display (Wilz Col 22 Lines 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having random display so the printed information display blocks will not be

arranged in a single column down each printed sheet, or the printed information will not be arranged in different columns and row as taught by Wilz Col 22 Lines 29-33.

In regard to dependent claims 22, 75 and 79, claims 22, 75 and 79 in addition to the following reflect the same subject matter claimed in claim 18 and is rejected along the same rationale

Based on characteristics (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant).

In regard to dependent claims 23, 76 and 80, claims 23, 76 and 80 in addition to the following reflect the same subject matter claimed in claim 19 and is rejected along the same rationale

Based on characteristics (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant).

In regard to dependent claim 24, 77 and 81, claims 24, 77 and 81 in addition to the following reflect the same subject matter claimed in claim 20 and is rejected along the same rationale

Based on characteristics (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant).

In regard to dependent claims 26, 30, 83, and 87, claims 30, 26 and 83 reflect the same subject matter claimed in claim 18 and is rejected along the same rationale

In regard to dependent claims 27, 31, 84, and 88, claims 31, 27 and 84 reflect the same subject matter claimed in claim 19 and is rejected along the same rationale

In regard to dependent claims 28, 32, 85, and 89, claims 32, 28 and 85 reflect the same subject matter claimed in claim 20 and is rejected along the same rationale

In regard to dependent claim 63, claim 63 reflects the same subject matter claimed in claim 6 and is rejected along the same rationale

In regard to dependent claim 65, claim 65 reflects the same subject matter claimed in claim 8 and is rejected along the same rationale

In regard to dependent claim 66, claim 66 reflects the same subject matter claimed in claim 9 and is rejected along the same rationale

In regard to dependent claim 71, claim 71 reflects the same subject matter claimed in claim 14 and is rejected along the same rationale

In regard to dependent claim 72, claim 72 reflects the same subject matter claimed in claim 15 and is rejected along the same rationale

In regard to dependent claim 73, claim 73 reflects the same subject matter claimed in claim 16 and is rejected along the same rationale

In regard to independent claim 114, claim 114 in addition to the following reflects the same subject matter claimed in claim 57 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

7. Claims 11, 13, 53, 68, 70 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera and Burner, and further view of Rhoads U.S. Patent No. 6,311,214 B1 filed 6/29/1999.

In regard to dependent claim 11, Barrera and Burner do not specifically disclose of wherein one of the web site features is web site colors. However Rhoads mentions color as an identification clue (Rhoads Col 5 Lines 46-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rhoads to Barrera, providing Barrera the benefit of making color a clue for identification for detail which can distinguish an intended object from other as taught by Rhoads Col 5 Lines 45-54.

In regard to dependent claim 13, Barrera and Burner do not specifically disclose wherein one of the web site features is web site framework. However Rhoads mentions a resulting frame of data (Rhoads Col 6 Lines 35-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rhoads to Barrera, providing Barrera the benefit of resulting frame of data to extract encoded data as taught by Rhoads Col 6 Line 35-40.

In regard to dependent claim 53, Barrera and Burner do not specifically disclose of wherein the data entry includes one or more user profiles. However Rhoads mentions databases of user profiles (Rhoads Col 13 Lines 58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rhoads to Barrera, providing Barrera the benefit of having user profiles to personalize responses in accordance with the profile data as taught by Rhoads Col 13 Lines 55-60.

In regard to dependent claim 68, claim 68 in addition to the following reflects the same subject matter claimed in claim 11 and is rejected along the same rationale

In regard to dependent claim 70, claim 70 in addition to the following reflects the same subject matter claimed in claim 13 and is rejected along the same rationale

In regard to dependent claim 109, claim 109 in addition to the following reflects the same subject matter claimed in claim 53 and is rejected along the same rationale

8. Claims 34-48, 50, 54, 56, 91-106, 110, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera and Burner, and in further view of Nakano et al. (herein after Nakano) U.S. Patent No. 6,505,212 B2 filed 2/3/1999.

In regard to dependent claim 34, Barrera discloses characteristics of one of the web site features (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera and Burner do not specifically mention modifying one of the characteristics. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

Barrera does not specifically mention without changing at least one of the characteristics of at least one other of the web site features. However Nakano mentions making changes to a website without actually posting the changes to the website (Nakano Col 2 Lines 21-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera

the benefit of making changes without posting it to the website to allow contributors to access an earlier version of a file as taught by Nakano Col 2 Lines 21-30.

In regard to dependent claim 35, Barrera and Burner do not specifically disclose wherein when the one characteristic of the one web site feature is modified, none of the characteristics of the other web site features is thereby modified. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

Nakano also mentions making changes to a website without actually posting the changes to the website (Nakano Col 2 Lines 21-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of making changes without posting it to the website to allow contributors to access an earlier version of a file as taught by Nakano Col 2 Lines 21-30.

In regard to dependent claim 36, Barrera discloses characteristics of one of the web site features (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera and Burner do not mention wherein the framework of the web site is recreated upon the modification. However Nakano mentions the path of the modified request being complete and it being routed to the web server (Nakano Col 24 Lines 4-

6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of routing the modified request to the web server so that the modified request can be displayed to the requester as taught by Nakano Col 24 Lines 1-26.

In regard to dependent claim 37, Barrera discloses the step of storing the framework of the web site. (Barrera Col 6 Lines 59-60 i.e. content request is stored)

Barrera and Burner do not mention wherein the framework of the web site is recreated. However Nakano mentions the path of the modified request being complete and it being routed to the web server (Nakano Col 24 Lines 4-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of routing the modified request to the web server so that the modified request can be displayed to the requester as taught by Nakano Col 24 Lines 1-26.

In regard to dependent claim 38, Barrera discloses wherein the one characteristic of the one web site feature is in one or more predetermined manners based upon one or more characteristics of one or more of the other web site features. (Barrera Col 4 Line 10-11 i.e. predetermined and Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera and Burner do not mention the characteristics to the website being modified. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of

modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

In regard to dependent claim 39, Barrera discloses the step of storing the modified characteristic. (Barrera Col 6 Lines 59-60 i.e. content request is stored)

Barrera and Burner do not specifically mention where in characteristic is modified. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

In regard to dependent claim 40, Barrera discloses characteristics of one of the web site features (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera and Burner do not mention wherein the framework of the web site is recreated upon the modification. However Nakano mentions the path of the modified request being complete and it being routed to the web server (Nakano Col 24 Lines 4-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of routing the modified request to the web server so that the modified request can be displayed to the requester as taught by Nakano Col 24 Lines 1-26.

In regard to dependent claim 41, 94, and 98, claims 41, 94 and 98 reflects the same subject matter claimed in claim 37 and is rejected along the same rationale

In regard to dependent claims 42, 44, 46, 48, 50, 96, 99, 101, 103, and 105 claims 42, 44, 46, 48, 50, 96, 99, 101, 103, and 105 reflect the same subject matter claimed in claim 37 and is rejected along the same rationale

In regard to dependent claim 43, Barrera discloses wherein the one characteristic of the one web site feature is in one or more predetermined manners based upon one or more characteristics of one or more of the other web site features. (Barrera Col 4 Line 10-11 i.e. predetermined and Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera and Burner do not mention the characteristics to the website being modified. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

In regard to dependent claim 45, Barrera discloses wherein the one characteristic of the one web site feature is in one or more predetermined manners based upon at least one other characteristic of the web site feature. (Barrera Col 4 Line 10-11 i.e. predetermined and Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera and Burner do not mention the characteristics to the website being modified. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Nakano to Barrera, providing Barrera the benefit of modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

In regard to dependent claim 47, Barrera discloses one of the characteristics of one of the web site features, wherein at least one of the characteristics of at least one other web site feature is in accordance with the of the one characteristic of the one web site feature. (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera and Burner do not mention the characteristics to the website being modified. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

In regard to dependent claim 54, Barrera does not specifically wherein the data entry includes one or more navigation histories. However, Nakano mentions tracking the history if the contents (Nakano Col 2 Lines 61-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of tracking the history which allows the system to easily compare one file with another file or one directory with other directory and identify whether they are identical or related as taught by Nakano Col 3 Lines 60-65.

In regard to independent claim 56, Barrera discloses receiving data entry (Barrera Col 6 Lines 11-13 i.e. receiving a content search); determining one or more characteristics for each of one or more web site features in response to the data entry (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information); creating a framework of the web site defining at least one ... between at least two features based upon the one or more determined characteristics for each of the one or more web site features (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant); retrieving web site data in accordance with the created framework of the web site (Barrera Col 7 Lines 24-26 i.e. retrieved content) pseudo-randomly from a predetermined web site data subset corresponding to at least a portion of the framework of the web site (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information and Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant); creating one or more pages of the web site based upon the framework of the web site and the retrieved web site data; and presenting the created web site. (Barrera Col 6 Lines 45-54 web pages and sending the results of the web page content search request form to the user).

Barrera fails to specifically disclose industry types as a classified type. However, Burner discloses classified type (column 11, line 54- column 12, line 14). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Burner with Barrera, since it would have allowed a user to obtain data based upon user-specified preferences (Burner: column 12, lines 11-15).

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Barrera and Burner do not specifically mention an interrelationship between the characteristics. However, Nakano mentions a relationship between different areas (Nakano Col 8 Lines 56-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of having a relationship between two areas to represent different creations as taught by Nakano Col 8 Lines 56-60.

In regard to dependent claim 91, claim 91 in addition to the following reflects the same subject matter claimed in claim 34 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 92, claim 92 reflects the same subject matter claimed in claim 35 and is rejected along the same rationale

In regard to dependent claim 93, claim 93 reflects the same subject matter claimed in claim 36 and is rejected along the same rationale

In regard to dependent claim 95, claim 95 reflects the same subject matter claimed in claim 38 and is rejected along the same rationale

In regard to dependent claim 97, claim 97 in addition to the following reflects the same subject matter claimed in claim 40 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 100, claim 100 in addition to the following reflects the same subject matter claimed in claim 43 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 102, claim 102 in addition to the following reflects the same subject matter claimed in claim 45 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claims 49, 104 and 106, claims 49, 104 and 106 in addition to the following reflects the same subject matter claimed in claim 47 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 110, claim 110 in addition to the following reflects the same subject matter claimed in claim 54 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to independent claim 113, claim 113 in addition to the following reflects the same subject matter claimed in claim 56 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

9. Claims 55 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera and Burner, in view of Wilz, and in further view of Nakano et al. (herein after Nakano) U.S. Patent No. 6,505,212 B2 filed 2/3/1999.

In regard to independent claim 55, Barrera discloses A method of creating ...information, comprising the steps of: receiving data entry (Barrera Col 6 Lines 11-13 i.e. receiving a content search); determining one or more characteristics for each of one or more ... information features in response to the data entry (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information);

creating a framework of the ... information based upon the one or more determined characteristics for each of the one or more ... information features (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant); retrieving multimedia information data in accordance with the created framework of the ... information (Barrera Col 7 Lines 24-26 i.e. retrieved content); creating one or more elements of the ... information based upon the framework of the ... information and the retrieved ... information data; and presenting the created ... information. (Barrera Col 6 Lines 45-54 web pages and sending the results of the web page content search request form to the user)

Barrera fails to specifically disclose industry types as a classified type. However, Burner discloses classified type (column 11, line 54- column 12, line 14). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Burner with Barrera, since it would have allowed a user to obtain data based upon user-specified preferences (Burner: column 12, lines 11-15).

Barrera does not specifically mention the information being multimedia information. However, Nakano mentions applications, which are multimedia (Nakano Col 24 Lines 48-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of website development which can include multimedia as taught by Nakano Col 24 Lines 42-52.

Barrera does not specifically disclose of creating the website pseudo-randomly. However, Wilz discloses of a quasi-random information display (Wilz Col 22 Lines 30-

33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having quasi-random display for the arranging rows and columns as taught by Wilz Col 22 Lines 29-33.

In regard to independent claim 112, claim 112 in addition to the following reflects the same subject matter claimed in claim 55 and is rejected along the same rationale.

Response to Arguments

10. Applicant's arguments filed 30 June 2006 have been fully considered but they are not persuasive.

11. The applicant's arguments focus on the belief that Barrera fails to disclose creating a website (page 21). However, the recitation of "creating a website" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Further, the steps recited by the applicant in the independent claims following the preamble define the creation of the website (see claims 1, 55-58, and 112-119).

Therefore, if the limitations following the preamble are taught by the prior art of record, by definition, the steps disclose creation of the website as claimed.

12. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the applicant argues that no motivation is present in the prior art of record (page 23). However, this is not the test to determine motivation. Motivation may also be supplied by knowledge generally available to one of ordinary skill in the art. Motivation to combine the references has been provided above.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

hrs

Kyle R Stork
Patent Examiner
Art Unit 2178


CESAR PAULA
PRIMARY EXAMINER